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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,063	03/29/2000	Edward Behrens		6573

7590 10/01/2002

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Phoenix, AZ 85004-2202

EXAMINER

PATEL, RAMESH B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/01/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

TK

Office Action Summary

Application No.

09/538,063

Applicant(s)

BEHRENS ET AL.

Examiner

Ramesh Patel

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 22-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. Claims 22-64 are present in the application. Claims 1-21 have been canceled due to the amendment filed on 8/20/2002.

Election/Restriction

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 22-36, drawn to a computer control system which is classified in class 700, subclass 9, supervisory control or computer control or central control.
 - II. Claims 37-42, drawn to a method for processing data signals, classified in class 700, subclass 39, testing signal or processing signal.
 - III. Claims 43-47, drawn to a computer rack station including communication line or interface and display system which are connected to a control system, classified in class 700, subclass 83, having operator control interface for communication and/or control/display console.
 - IV. Claims 48-64, drawn to a control and monitoring system for a plurality of computers, classified in class 700, subclass 19, plural control controlled systems, mechanisms or elements.
3. The inventions are distinct, each from the other because of the following reasons:

For instance the Group I, II, III and IV have acquired a separate status in the art because

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of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I, II, III and IV are different, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. In accordance with M.P.E.P. 812.01 a telephone call was made by examiner Ramesh Patel, Art Unit 2121 to applicant's attorney/agent of the record. During a telephone conversation with Mr. Finn, Thomas J. (Reg. No. 48,066) on 9/26/2002 a provisional election was not made and the applicants have requested to provide formal restriction requirement in order elect proper group therefore unable to make a provisional election. Therefore, an oral election to the above restriction requirement, did not result in an election being made. Applicant is requested to elect one group out of Group I, Group II, Group III and Group IV.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this or earlier communication from the examiner should be directed to Ramesh Patel at (703) 308-6673.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached on (703)307-9707.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800; following Fax numbers are provided for assisting applicant to make any correspondence through Facsimile to TC (Technical Center) - 2100:

After-Final (703) 746-7238
Official (703) 746-7239
Non-Official/Draft (703) 746-7240


RAMESH PATEL
PRIMARY EXAMINER

Art Unit-2121
September 30, 2002